

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: <b>Conway-Jones et al.</b>	§	Group Art Unit: <b>2151</b>
	§	
Serial No.: <b>10/713,737</b>	§	Examiner: <b>Walsh, John B.</b>
	§	
Filed: <b>November 13, 2003</b>	§	Attorney Docket No.: <b>GB920020074US1</b>
	§	
For: <b>Arrangement and Method for</b>	§	
<b>Impermanent Connectivity</b>		

35525

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

A Notice of Non-Compliant Appeal Brief was received by Appellants stating that “the appeal brief filed on May 9, 2008 is considered non-compliant because the brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii))”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated July 25, 2008, please reconsider the holding of non-compliance as follows:

## **REMARKS**

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on May 9, 2008, was held defective because the brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)). In particular, the Examiner asserts that claim 22 is not listed in the Appendix.

Claim 22 was canceled in the Response to Office Action filed September 27, 2007. Therefore, claim 22 is no longer in the case, was not finally rejected and is not included in the Appeal. During a telephone conversation with the Examiner on August 1, 2008, the Examiner requested that claim 22 be shown in the Appendix as having been canceled.

A Supplemental Appeal Brief is, accordingly, submitted herewith that identifies claim 22 in the Claim Appendix. Appellants respectfully request that the Supplemental Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 1, 2008

Respectfully submitted,

/Gerald H. Glanzman/

Gerald H. Glanzman  
Reg. No. 25,035  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Appellants

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**SUPPLEMENTAL APPEAL BRIEF (37 C.F.R. 41.37)**

This brief is in furtherance of the Notice of Appeal, filed in this case on March 12, 2008.

No fees are believed to be necessary. If, however, any fees are necessary, I authorize the Commissioner to charge these fees to IBM Corporation Deposit Account No. 09-0447.

An extension of time is not believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

### **REAL PARTY IN INTEREST**

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

### **RELATED APPEALS AND INTERFERENCES**

This appeal has no related proceedings or interferences.

## **STATUS OF CLAIMS**

### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

The claims in the application are: 1-23

### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

Claims canceled: 22

Claims withdrawn from consideration but not canceled: None

Claims pending: 1-21 and 23

Claims allowed: None

Claims rejected: 1-21 and 23

Claims objected to: None

### **C. CLAIMS ON APPEAL**

The claims on appeal are: 1-21 and 23

### **STATUS OF AMENDMENTS**

An Amendment after the Final Office Action of February 12, 2007, was not filed. Accordingly, the claims on appeal herein are as amended in the Response to Office Action filed September 27, 2007.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

### **A. CLAIM 1 - INDEPENDENT**

The subject matter of claim 1 is directed to an arrangement for controlling communication between a client application (**112, Figure 1**; Specification, page 4, lines 25-26) executing on a client unit (**110, Figure 1**; Specification, page 4, lines 19-20) and an impermanently connected server (**120, Figure 1**; Specification page 4, lines 20-21) in a network (**100, Figure 1**; specification, page 4, lines 18-19). The arrangement has at least one client proxy (**114, Figure 1**; Specification, page 4, lines 26-27) at the client unit operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application. The arrangement also has means for relaying the information from the at least one client proxy to the server (**116, 122, Figure 1**; Specification, page 4, line 27-page 5, line 2) responsive to a communications link (**130, Figure 1**; Specification, page 4, lines 21-23) between the client unit and the server being established.

### **B. CLAIM 2 - INDEPENDENT**

The subject matter of claim 2 is directed to an arrangement for impermanent connectivity between a client unit and a server in a network. The arrangement has, at the client unit (**110, Figure 1**; Specification, page 4, lines 19-20), a client proxy (**114, Figure 1**; Specification, page 4, lines 26-27) for receiving information to be sent to the server (**120, Figure 1**; Specification page 4, lines 20-21) and for which a server response is to be received from the server, for storing the information, and for sending a substitute response for the server response. The arrangement also has relaying means for relaying the information from the client proxy at the client unit to the server (**116, 122, Figure 1**; Specification, page 4, line 27-page 5, line 2) responsive to a connectivity link (**130, Figure 1**; Specification, page 4, lines 21-23) between the client unit and the server being established.



### **C. CLAIM 12 – INDEPENDENT**

The subject matter of claim 12 is directed to a method for impermanent connectivity between a client unit and a server in a network. A client proxy is provided at the client unit for receiving information to be sent to the server and for which a server response is to be received from the server, for storing the information, and for sending a substitute response for the server response (**220, 230, Figure 2; 310, 320, Figure 3; 420, 430, Figure 4; 510, Figure 5; 610, 620 Figure 6**; Specification, page 8, line 23 – page 9, line 9; page 10, line 23 – page 11, line 3; page 12, line 24–page 13, line 15; page 14, lines 7-26; page 16, lines 6-28). The information is relayed from the client proxy at the client unit to the server responsive to a connectivity link between the client unit and the server being established (**240, Figure 2; 330, Figure 3; 440, Figure 4; 520, Figure 5; 630, Figure 6**; Specification, page 9, lines 11-26; page 11, lines 11-17; page 13, lines 17-28; page 15, lines 4-16; page 17, lines 1-14).

### **D. CLAIM 23 – INDEPENDENT**

The subject matter of claim 23 is directed to a computer program product that includes a computer readable data carrier carrying a computer readable program element for impermanent connectivity between a client unit and a server in a network. The computer program product includes instructions for providing at the client unit, a client proxy for receiving information to be sent to the server and for which a server response is to be received from the server, for storing the information, and for sending a substitute response for the server response (**220, 230, Figure 2; 310, 320, Figure 3; 420, 430, Figure 4; 510, Figure 5; 610, 620 Figure 6**; Specification, page 8, line 23–page 9, line 9; page 10, line 23 – page 11, line 3; page 12, line 24 – page 13, line 15; page 14, lines 7-26; page 16, lines 6-28), and instructions for relaying the information from the client unit to the server responsive to a connectivity link between the client unit and the server being established (**240, Figure 2; 330, Figure 3; 440, Figure 4; 520, Figure 5; 630, Figure 6**; Specification, page 9, lines 11-26; page 11, lines 11-17; page 13, lines 17-28; page 15, lines 4-16; page 17, lines 1-14).

**E. CLAIM 9 - DEPENDENT**

The subject matter of claim 9, which depends from claim 8, specifies that the client proxy includes means, responsive to receiving a file transfer protocol (FTP) file ‘GET’ command, for writing a local file at the client unit having a unique signature, and means, responsive to the connectivity link between the client unit and the server being established, for obtaining a requested file from the server, for finding the local file at the client unit having the unique signature, and for over-writing the found local file with the obtained requested file.

**F. CLAIM 19 – DEPENDENT**

The subject matter of claim 19, which depends from claim 18, recites that the steps of receiving, storing and relaying the information includes in response to receiving a file transfer protocol (FTP) file ‘GET’ command, writing a local file at the client unit having a unique signature (**510, Figure 5**; Specification, page 14, lines 7-26), and responsive to the connectivity link being established between the client unit and the server, obtaining a requested file from the server, finding the local file at the client unit having the unique signature, and over-writing the found local file with the obtained requested file (**520, 530, Figure 5**; Specification, page 15, lines 4-30).

## **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to review on appeal are as follows:

### **A. GROUND OF REJECTION 1**

Claims 1-5, 7, 10-15, 17, 20, 21 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Phaal, U.S. Patent No. 6,006,269.

### **B. GROUND OF REJECTION 2**

Claims 6, 8, 9, 16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phaal, U.S. Patent No. 6,006,269.

## **ARGUMENT**

### **A. GROUND OF REJECTION 1 (Claims 1-5, 7, 10-15, 17, 20, 21 and 23)**

Claims 1-5, 7, 10-15, 17, 20, 21 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Phaal, U.S. Patent No. 6,006,269 (hereinafter “Phaal”).

In finally rejecting the claims, the Examiner states:

As concerns claims 1, an arrangement for controlling communication between a client application executing on a client unit and an impermanently connected server in a network, comprising: at least one client proxy (web browser, column 4, lines 58-67, abstract), operable when the client unit is not connected for communication with the server, for receiving information from a client application that requires a response from the server for the application to continue operation (column 4, lines 53-57), for storing (column 6, line 55) said information, for generating a substitute server response and sending the substitute response to the client application to allow the client application to continue operation (figure 4a; 66,65); and means for relaying (network connection hardware, NIC, on client) the information to the server when a communications link there between is established.

As concerns claims 2, 12 and 23, an arrangement for impermanent connectivity between a client unit and a server in a network, the arrangement comprising: at the client unit, a client proxy (web browser) for receiving information, for storing (column 6, line 55) said information, and for relaying (network connection hardware, NIC, on client) said information between the client unit and the server when a connectivity link there between is established.

Final Office Action dated December 12, 2007, pages 2-3.

Claim 1 on appeal herein is as follows:

1. An arrangement for controlling communication between a client application executing on a client unit and an impermanently connected server in a network, comprising:

at least one client proxy at the client unit, the at least one client proxy operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application; and

means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In the present case, each and every feature of the presently claimed invention is not identically shown in Phaal arranged as they are in the claims, and, accordingly, Phaal does not anticipate the claims. With respect to claim 1, for example, Phaal does not disclose or suggest “at least one client proxy at the client unit, the at least one client proxy operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application”, or “means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established.”

Phaal is directed to an admission control system for controlling access to a web site. In Phaal, the admission control system determines whether a web site requested by a client is available. If the web site is not available, the admission control system sends a signal to the client advising when the requested web site will be available.

The admission control system in Phaal is described in column 4, line 36-column 5, line 6 of Phaal, reproduced below for the convenience of the Board:

The preferred embodiment is an admission control system resident on a server, a client computer (typically a personal computer), or both. The admission control system may be implemented in firmware, hardware, or software, but most typically will be implemented in software such that it can be optionally implemented on a server which has processing resources which are sometimes strained. The preferred application of the

admission control system is to systems involving access and processing on the world-wide web (the "web").

In accordance with the principles of the present invention, the preferred admission control system normally admits messages to a server, but if processing resources of the server are strained, the admission control system defers messages corresponding to new sessions to a later time when it is thought that the server can guarantee processing of the deferred message as a priority message and any corresponding session. The admission control system formats a response to the client, to inform the client's user that access has been deferred, and accords the client a means of later obtaining access on a priority basis if the client contacts the server again at the proper time.

On the client side of the admission control system, the client's user is preferably afforded a means of automatically contacting the server again, once the appointed time has been reached. In the preferred embodiment, the admission control system operates principally on the server and formats a special web page which is downloaded to the client as part of a deferral message. This special web page provides a countdown function, visible to the client's user, which indicates time until re-submission in minutes or seconds; if the client closes the browser or uses it to contact a different web page, the web page is disabled and the client will not automatically contact the server (in the preferred embodiment). This implementation is preferred, because it can be implemented entirely in software on the server side (including formation of the special web page which is downloaded to the client).

Initially, Phaal does not disclose or suggest “at least one client proxy at the client unit, the at least one client proxy operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application”. The Examiner refers specifically to column 4, lines 53-57 and blocks 66 and 65 in Figure 4a of Phaal as teaching this feature. Appellants respectfully disagree.

Column 4, lines 53-57 of Phaal (which is included in the above-reproduced portion of Phaal states “[t]he admission control system formats a response to the client, to inform the client's user that access has been deferred, and accords the client a means of later obtaining access on a priority basis if the client contacts the server again at the proper time.” An example of a response to the client is illustrated in block 65 in Figure 4a of Phaal as follows:

Our server is busy right now responding to other clients. However, our server will process your inquiry in \_\_\_\_ seconds. Please stand by, and your browser will automatically contact us.

Appellants respectfully submit that the response to the client in Phaal is not “a substitute response for the server response to allow the client application to continue operation” as recited in claim 1. Instead, the response in Phaal is simply a statement telling the client that the server is busy and that the client will have to wait to be served. Accordingly, Phaal does not disclose or suggest “at least one client proxy at the client unit . . . for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application” as recited in claim 1, and does not anticipate claim 1 for this reason.

Furthermore, Phaal does not disclose or suggest at least one client proxy that is “operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application” as also recited in claim 1. The Examiner asserts that this feature is also taught in column 4, lines 53-57 of Phaal reproduced above. Appellants again respectfully disagree. In Phaal, when the server is busy, the admission control system resident on the server sends a response to the client advising that access has been deferred. There is no disclosure or suggestion in Phaal of a client proxy that is operable when the client unit is not connected for communication with the server for receiving information from a client operation that requires a response from the server. To the contrary, Appellants respectfully submit that the client must be connected for communication with the server in Phaal when the server sends a response to the client that access has been deferred.

Therefore, Phaal also does not disclose or suggest “at least one client proxy at the client unit, the at least one client proxy operable, when the client unit is not connected for communication with the server, for. . .generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application” as recited in claim 1, and does not anticipate claim 1 for this reason, as well.

Yet further, Phaal does not disclose or suggest “means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established” as also recited in claim 1. In Phaal, as described in the above-reproduced portion, the admission control system will always receive messages sent from a

client; however, it will defer processing messages sent when the server resources are strained. Thus, in Phaal, a connectivity link between the client and the server is always established. Phaal does not disclose an arrangement for impermanent connectivity between a client unit and a server, and does not disclose or suggest “means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established.” as recited in claim 1. Phaal, accordingly, also does not anticipate claim 1 for this reason.

For at least all the above reasons, claim 1 is not anticipated by Phaal and patentably distinguishes over Phaal in its present form.

Independent claims 2, 12 and 23 recite similar subject matter as claim 1 and are also not anticipated by Phaal for similar reasons as discussed above with respect to claim 1.

Claims 2-5, 7, 10, 11, 13-15, 17, 20 and 21 depend from and further restrict one of independent claims 1 and 12 and are also not anticipated by Phaal at least by virtue of their dependency.

For at least all the above reasons, claims 1-5, 7, 10-15, 17, 20, 21 and 23 are not anticipated by Phaal, and it is respectfully requested that the Board reverse the Examiner’s Final Rejection of those claims.

## **B. GROUND OF REJECTION 2 (Claims 6, 8, 9, 16, 18 and 19)**

Claims 6, 8, 9, 16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Phaal.

### **B.1. Claims 6, 8, 9, 16, 18 and 19**

In finally rejecting the claims, the Examiner states:

Phaal discloses the use of various protocols for communication (column 7, lines 33-41). Phaal does not explicitly disclose POP3 and FTP protocols. However, it would have been an obvious design choice to one of ordinary skill in the art to select the POP3 or FTP protocols and the applicant has not indicated the significance to the patentable operation of the invention.

Final Office Action dated December 12, 2007, page 4.



The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). “Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR Int’l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007). “*Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).”

Claims 6, 8, 9, 16, 18 and 19 depend from and further restrict one of claims 1 and 12. Phaal does not disclose or suggest subject matter recited in the independent claims as discussed above. Therefore, Phaal also does not disclose or suggest all the limitations of claims 6, 8, 9, 16, 18 and 19, and the Examiner has not established a *prima facie* case of obviousness in rejecting the claims as being unpatentable over Phaal.

## **B.2. Claims 9 and 19**

Claim 9 is as follows:

9. The arrangement of claim 8 wherein the client proxy comprises:
  - means, responsive to receiving a file transfer protocol (FTP) file ‘GET’ command, for writing a local file at the client unit having a unique signature; and
  - means, responsive to the connectivity link between the client unit and the server being established, for obtaining a requested file from the server, for finding the local file at the client unit having the unique signature, and for over-writing the found local file with the obtained requested file.

As acknowledged by the Examiner, Phaal does not disclose use of the FTP protocol at all. As also acknowledged by the Examiner, Phaal also does not disclose or in any way suggest the specific structure recited in claim 9 including “means, responsive to receiving a file transfer protocol (FTP) file ‘GET’ command, for writing a local file at the client unit having a unique signature”, and “means, responsive to the connectivity link between the client unit and the server being established, for obtaining a requested file from the server, for finding the local file at the client unit having the unique signature, and for over-writing the found local file with the obtained requested file.”

In responding to Appellants arguments regarding the failure of Phaal to disclose or suggest the structure recited in claim 9, the Examiner states only “[t]he Examiner disagrees since such a modification is merely a combination of known elements that yields predictable results” (page 5 of Final Office action dated December 12, 2007). Appellants respectfully disagree. Even assuming *arguendo* that FTP protocol is known, the Examiner has not shown that the specific structure recited in claim 9 is “merely a combination of known elements.” For example, as discussed above with respect to claim 1, Appellants have shown that Phaal does not disclose or suggest “means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established.” In the absence of any such teaching or suggestion in Phaal, Appellants respectfully submit that that it would not be obvious to modify Phaal to provide “means, responsive to the connectivity link between the client unit and the server being established, for obtaining a requested file from the server, for finding the local file at the client unit having the unique signature, and for over-writing the found local file with the obtained requested file” as recited in claim 9.

Yet further, Appellants respectfully disagree with the Examiner’s assertion that it would have been obvious to one of ordinary skill in the art to select the POP3 or FTP protocols and that “applicant has not indicated the significance to the patentable operation of the invention.” Appellants have explained in the specification, for example, on page 2, lines 11-17; that writers of most user applications, such as POP3 and FTP, assume the existence of a client-server connection at the time the application performs its sending or receiving. Applicants have provided mechanisms that enable such applications to be used in an impermanent connectivity environment, and have described in detail how this may be achieved. Thus, Appellants have, in

fact, indicated the significance of the protocols to the patentability of the present invention, and respectfully submit that it would not be obvious to select POP3 or FTP protocols in connection with the present invention.

For at least all the above reasons, Appellants respectfully submit that claim 9 and corresponding claim 19 patentably distinguish over Phaal in their own right as well as by virtue of their dependency.

For at least all the above reasons, Appellants respectfully submit that the Examiner has not established a *prima facie* case of obviousness in rejecting claims 6, 8, 9, 16, 18 and 19 as being unpatentable over Phaal, and it is respectfully requested that the Board reverse the Examiner's Final Rejection of those claims.

/Gerald H. Glanzman/

Gerald H. Glanzman  
Reg. No. 25,035  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777

## **CLAIMS APPENDIX**

The text of the claims involved in the appeal is as follows:

1. An arrangement for controlling communication between a client application executing on a client unit and an impermanently connected server in a network, comprising:

at least one client proxy at the client unit, the at least one client proxy operable, when the client unit is not connected for communication with the server, for receiving information from the client application executing on the client unit that requires a server response for the client application to continue operation, for storing the information, for generating a substitute response for the server response to allow the client application to continue operation, and for sending the substitute response to the client application; and

means for relaying the information from the at least one client proxy to the server responsive to a communications link between the client unit and the server being established.

2. An arrangement for impermanent connectivity between a client unit and a server in a network, the arrangement comprising:

at the client unit, a client proxy for receiving information to be sent to the server and for which a server response is to be received from the server, for storing said information, and for sending a substitute response for the server response; and

relaying means for relaying said information from the client proxy at the client unit to the server responsive to a connectivity link between the client unit and the server being established.

3. The arrangement of claim 1, further comprising server proxy means coupled to the server for cooperating with the client proxy at the client unit to relay said information from the client unit to the server responsive to said connectivity link being established.
4. The arrangement of claim 3 further comprising messaging means coupled between the client unit and the server for relaying said information as messages across the connectivity link responsive to said connectivity link being established.
5. The arrangement of claim 1 wherein said information comprises Simple Mail Transfer Protocol (SMTP) information.
6. The arrangement of claim 1 wherein said information comprises post office protocol 3 (POP3) information.
7. The arrangement of claim 1 wherein said information comprises Hypertext Transfer Protocol (HTTP) information.
8. The arrangement of claim 1 wherein said information comprises file transfer protocol (FTP) information.

9. The arrangement of claim 8 wherein the client proxy comprises:

means, responsive to receiving a file transfer protocol (FTP) file 'GET' command, for writing a local file at the client unit having a unique signature; and

means, responsive to the connectivity link between the client unit and the server being established, for obtaining a requested file from the server, for finding the local file at the client unit having the unique signature, and for over-writing the found local file with the obtained requested file.

10. The arrangement of claim 1 further comprising means for notifying a user of the client unit of an outcome of the relaying of said information to the server.

11. The arrangement of claim 1 wherein the client unit comprises a portable computing device.

12. A method for impermanent connectivity between a client unit and a server in a network, the method comprising:

providing a client proxy at the client unit for receiving information to be sent to the server and for which a server response is to be received from the server, for storing said information, and for sending a substitute response for the server response; and

relaying said information from the client proxy at the client unit to the server responsive to a connectivity link between the client unit and the server being established.

13. The method of claim 12 further comprising providing a server proxy coupled to the server for cooperating with the client proxy to relay said information from the client unit to the server responsive to said connectivity link between the client unit and the server being established.

14. The method of claim 12 further comprising providing messaging means coupled between the client unit and the server for relaying said information as messages across the connectivity link responsive to said connectivity link being established.

15. The method of claim 11 wherein said information comprises Simple Mail Transfer Protocol (SMTP) information.

16. The method of claim 11 wherein said information comprises post office protocol 3 (POP3) information.

17. The method of claim 11 wherein said information comprises Hypertext Transfer Protocol (HTTP) information.

18. The method of claim 11 wherein said information comprises file transfer protocol (FTP) information.

19. The method of claim 18 wherein the steps of receiving, storing and relaying said information comprises:

in response to receiving a file transfer protocol (FTP) file 'GET' command, writing a local file at the client unit having a unique signature; and

responsive to the connectivity link being established between the client unit and the server, obtaining a requested file from the server, finding the local file at the client unit having the unique signature, and over-writing the found local file with the obtained requested file.

20. The method of claim 11 further comprising notifying a user of the client unit of an outcome of the relaying of said information to the server.

21. The method of claim 11 wherein the client unit comprises a portable computing device.

22. (Cancelled)

23. A computer program product, comprising:

a computer readable data carrier carrying a computer readable program element for impermanent connectivity between a client unit and a server in a network, the computer program product comprising:

instructions for providing at the client unit, a client proxy for receiving information to be sent to the server and for which a server response is to be received from the server, for storing said information, and for sending a substitute response for the server response; and

instructions for relaying said information from the client unit to the server responsive to a



connectivity link between the client unit and the server being established.

## **EVIDENCE APPENDIX**

This appeal brief presents no additional evidence.

## **RELATED PROCEEDINGS APPENDIX**

This appeal has no related proceedings.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER

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DATE MAILED: 07/25/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/713,737	<b>Applicant(s)</b> CONWAY-JONES ET AL.	
	<b>Examiner</b> John B. Walsh	<b>Art Unit</b> 2151	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 09 May 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

item 7 - claim 22 is not listed.

/John B. Walsh/  
Primary Examiner, Art Unit 2151